

Town of Odessa

**MINUTES FROM THE BOARD OF ADJUSTMENT HEARING
TUESDAY, JUNE 20, 2023 - 7:00 PM
315 MAIN STREET
ODESSA, DE 19730**

Those present at 7:00 PM:

Connie Miller
Patricia Crilley
Jim Grant
Meghan Mahoney
Teddy Barnes (via zoom)
Town Secretary: Amy Marie Ottinger
Mayor Harvey C. Smith Jr
(4) community members

1. The meeting was called to order at 7:01 PM.
2. Roll Call
3. Approval of Minutes

MOTION BY JIM GRANT, SECONDED BY MEGHAN MAHONEY TO APPROVE THE MINUTES FROM THE MARCH 1, 2022 BOARD OF ADJUSTMENT.

MOTION CARRIED. VOTE 4 AYES, 0 NAYS, 1 ABSTAIN

4. Public Hearing for Special Exception Request – BOA Application #2023-02
 - 315 Main Street, Parcel #24003.00146
 - Request by Mayor & Council (property owners) for special exception approval to use the property for both professional services and commercial personal services
5. Public questions and comments:
 - Mayor Smith gave a brief background to the Board on the prior tenants, Delaware Wildlands (a non-profit organization), which inherited a piece of property and terminated their lease in 2021. Old Academy then became available for rent but only to another non-profit or government organization. It became very difficult to find an appropriate tenant and in May 2022 Old Academy was changed to Institutional Zoning to allow for a wider range of tenants to occupy the space. There are two renters Mayor and Council are seeking exception for under Section 88.3: a costumer/costumer storage which falls under professional services and a photographer which falls under commercial personal services. Both of the renters are already occupying the spaces so this request is after the fact, but moving forward, Mayor Smith stated we will make sure to approve future tenants prior to signing another lease.
 - Teddy Barnes wanted to make sure that the town would have access to the rental spaces every couple months to verify that the tenants are not creating a fire hazard. Mayor Smith stated that as the landlords we have access to the

units with proper notice and will perform quarterly inspections of the spaces. He also stated that smoke detectors and fire extinguishers were recently installed throughout the building.

- There were no public questions or comments

6. Board Discussion, deliberation and vote

MOTION BY JIM GRANT, SECONDED BY MEGHAN MAHONEY TO APPROVE THE SPECIAL EXCEPTION REQUEST TO USE 315 MAIN STREET FOR BOTH PROFESSIONAL AND COMMERCIAL PERSONAL SERVICES.

MOTION CARRIED. VOTE 5 AYES, 0 NAYS, 0 ABSTAIN

7. Adjournment

MOTION BY JIM GRANT, SECONDED BY PATRICIA CRILLEY TO ADJOURN THE MEETING AT 7:24 PM.

MOTION CARRIED. VOTE 5 AYES, 0 NAYS